

APPROVED 6-21-12
TOWN OF NORTH HAVEN, CONNECTICUT
MINUTES OF THE
ZONING BOARD OF APPEALS

A meeting of the Zoning Board of Appeals was held on Thursday, May 17, 2012 at the Mildred A. Wakeley Community & Recreation Center, 7 Linsley Street, in Room #2 at 7:30 PM.

MEMBERS PRESENT:

Robert F. Hannon, Chairman
Caren M. Genovese
Donald F. Clark, Secretary
Joseph A. Cappucci
Joseph P. Villano
Mary Jane Mulligan, Alternate
Jacob M. Piekarski, Alternate

MEMBERS ABSENT:

William D. O'Hare, Alternate

TOWN PERSONNEL:

Alan A. Fredricksen, Land Use Administrator
Arthur Hausman, Zoning Enforcement Officer

OTHERS PRESENT:

Mary Lee Rydzewski, Public Stenographer
Angela Izzo, Clerk

AGENDA:

Mr. Hannon, Chairman, opened the meeting at 7:30 PM and introduced the members of the Board, the Town staff, the stenographer and clerk. Then, he explained that under the Connecticut State Statutes for an appeal request to be approved, the applicant needs a minimum of four (4) Board members to concur.

PUBLIC HEARINGS:

Mr. Clark read the call for the first Public Hearing.

- 1.#12-12 Application of Norman S. Andrews, Applicant, Margery M. Andrews, Owner, relative to 1471 Ridge Road, (Map 50, Lot 112), per Section 2.1.1.9, requesting a side yard variance of 3.7' to allow a side yard setback of 6.3' where 10' is required. R-20 Zoning District.

Mr. Andrews, Applicant, presented the application to build an addition that would reduce the side yard setback to 6.3'. The addition would include a handicapped bathroom.

The Board asked questions and Mr. Andrews responded.

Mr. Hannon asked for public comment. There being no public comment; the Public Hearing was closed.

2. #12-14 Application of Rod Storer, Owner and Applicant, relative to 55 North Hill Road, (Map 31, Lot 19), per Section 8.6.2.1, requesting a fence height variance of 3' to permit a 6' high fence in a front yard where 3' is permitted. R-40 Zoning District.

This application is postponed to the June 21, 2012 meeting.

3. #12-15 Application of Lexmar Properties, LLC, Applicant, Roballey Properties, LLC, Owner, relative to 12 Montowese Avenue, (Map 16, Lot 73), per Section 5.1.2, requesting a front yard variance of 39' to allow a 36' front yard setback where 75' is required, and requesting a side yard variance of 13' to allow a side yard setback of 7' where 20' is required, and per Section 8.7.8.1, requesting a continuous strip of landscaped area variance of 4' to permit a landscaped area of 11' where 15' is required. IL-30 Zoning District.

Attorney John Parese, representing the applicant, presented the application. This property is currently nonconforming in terms of lot size, setbacks and use. The applicant is proposing to raise the existing vacant, blighted residential structure and construct a 50' x 95' (4,750 s.f.) office building.

The Board asked questions and Mr. Parese responded.

Mr. Jim Pretti, from Criscuolo Engineering, explained the layout of the proposed building.

Mr. Clark read into the record a letter from IL Holdings, owner of Phil's Garden Center in favor of the application. (Exhibit A)

Mr. Hannon asked for public comment.

Public comment:

1. Mr. Joseph DiMartino, 10 Papa Lane, spoke against the application. He would like the property to be cleaned up before any variances are issued. He is also concerned about the close proximity to the residential neighbors and the traffic exiting the property being dangerous.
2. Gail Mulcahey, 21 Eaton Street, spoke in favor of the application.

Mr. Parese, answered questions posed by the public.

There being no further public comment; the Public Hearing was closed.

DELIBERATION SESSION:

PUBLIC HEARINGS:

1. #12-12 Application of Norman S. Andrews, Applicant, Margery M. Andrews, Owner, relative to 1471 Ridge Road.

Mrs. Genovese moved to approve the application for the purpose of discussion; Mr. Cappucci seconded the motion. The Board voted as follows:

Hannon - aye Genovese – aye Clark - aye Cappucci – aye Villano – aye

The application was approved.

In approving the application, the Board stated the following:

1. The variance request is minimal and conforms with the neighborhood.
2. The hardship is the necessity for handicapped access.
3. The variance is limited to the work of this proposed addition only.

3. #12-15 Application of Lexmar Properties, LLC, Applicant, Roballey Properties, LLC, Owner, relative to 12 Montowese Avenue.

Mrs. Genovese moved to approve the application for the purpose of discussion; Mr. Villano seconded the motion. The Board voted as follows:

Hannon - aye Genovese – aye Clark - aye Cappucci – aye Villano – aye

The application was approved.

In approving the application, the Board stated the following:

1. The variance request will enhance the area.
2. The use is an appropriate, conforming use.
3. This approval will eliminate future blight issues.

OTHER: None

CEASE AND DESIST ORDERS:

Mr. Arthur Hausman, Zoning Enforcement Officer, outlined current zoning violations with the Board.

497 Washington Avenue – non-permitted sandwich board signs. A Cease & Desist Order was sent on May 2, 2012.

392 Washington Avenue - non-permitted sandwich board signs. A Cease & Desist Order was sent on May 10, 2012.

140 Montowese Avenue – storing large commercial truck. A Cease & Desist Order was sent on May 17, 2012.

CORRESPONDENCE: None

MINUTES:

April 19, 2012

Mrs. Genovese moved to approve the minutes of the April 19, 2012 meeting; Mr. Cappucci seconded the motion. The Board voted as follows:

Hannon – aye Genovese – aye Clark – aye Cappucci – aye Villano – aye

ADJOURN:

There being no further business, Mrs. Genovese moved to adjourn; Mr. Cappucci seconded the motion; the Board unanimously approved the motion. The meeting was adjourned at 8:24 PM.